IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

OP.No. 7535 of 2001(V)

PETITIONER:

P.N.SAMBASIVAN, SUBHI,
33/4943,
CHEVARAMBALAM, KOZHIKODE - 17.

BY ADV. SRI.T.RAVIKUMAR

RESPONDENTS:
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1. THE GENERAL MANAGER (OPERATIONS),
STATE BANK OF TRAVANCORE,
TRIVANDRUM.

2. THE DEPUTY GENERAL MANAGER,
STATE BANK OF TRAVANCORE,
ZONAL OFFICE, P.B. NO.25,
KOZHIKODE - 673 004.

3. THE ASSISTANT GENERAL MANAGER,
STATE BANK OF TRAVANCORE,
ZONAL OFFICE, REGION - III,
CALICUT.

BY ADV. SRI.M.PATHROSE MATHAI
ADV. SRI.SAJI VARGHESE

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

O.P. No. 7535 of 2001-V

Dated this the 15th day of June, 2007.

J U D G M E N T

The petitioner was an Officer of the State Bank of India. He was convicted under the provisions of the Prevention of Corruption Act and Indian Penal Code. Based on his conviction, he was discharged from service, by Ext.P3 order dated 27-1-2001. The petitioner submits, he has preferred Criminal Appeal No.31 of 2001 against the conviction and sentence. The appeal is pending and there is a stay against the conviction. So, he claims re-instatement in service. This Court did not pass any interim order and therefore, he is still in discharge, it is submitted. I think it is not proper to order reinstatement of an employee convicted under the provisions of the Prevention of Corruption Act, pending appeal, on the ground that this Court has chosen to grant stay. It is submitted by the respondents that the petitioner obtained stay suppressing that he has already been discharged from service.

2. As far as the conviction is not set aside, it is only appropriate that the petitioner is kept outside. In case this Court reverse the judgment of the trial Court and set aside the conviction, he will be free

to move the bank, for reviewing Ext.P3 order, which is passed based on the judgment of the trial Court.

Subject to that right, the Original Petition is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS

K.BALAKRISHNAN NAIR, J.

O.P.NO.7535 OF 2001-V

JUDGMENT

DATED 15-6-2007